

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)

Present:

Mr. Justice Md. Shohrwardi

Civil Revision No. 1219 of 2022

IN THE MATTER OF

An application under section 115(1) of the
Code of Civil Procedure, 1908.

-AND-

IN THE MATTER OF:

Square Pharmaceuticals Ltd. and others
... Petitioners

-Versus-

Md. Taizuddin and others

... Opposite parties

Mr. Khair Ezaz Maswood, Advocate with
Mr. S.M. Iqbal Bahar Bhuiyan, Advocate

...For the petitioners

Mr. Kingshuk Das, Advocate

...For the opposite parties

Heard on 01.07.2026.

Judgment on: 21.07.2026

On an application under section 115(1) of the Code of Civil Procedure, 1908 Rule was issued calling upon the opposite party Nos. 1 to 7 to show cause as to why the impugned judgment and order dated 18.10.2021 passed by Joint District Judge, Court No. 2, Gazipur in Miscellaneous Appeal No. 45 of 2018 affirming the judgment and order dated 04.11.2018 passed by the Senior Assistant Judge, Court No. 2, Gazipur in Title Suit No. 173 of 2018 rejecting the application under Order XXXIX Rule 1 read with section 151 of the Code of Civil Procedure, 1908 for temporary injunction should not be set aside and or pass such other or further order or orders as to this Court may seem fit and proper.

Relevant facts for disposal of the Rule is that the petitioners as plaintiffs, filed Title Suit No. 173 of 2018 in the Court of Senior Assistant Judge, Court No. 2(Sreepur), Gazipur praying for a decree of declaration of title on 310 decimals of land and further declaration that the judgment and degree passed in Title Suit No. 66 of 1993 is not binding and effective on the plaintiffs. During pendency of the said suit, the plaintiffs/petitioners filed an application under Order XXXIX Rule 1 read with Section 151 of the Code of Civil Procedure, 1908, praying for an injunction restraining the defendant Nos. 2 to 8 from forcefully entering into the suit land and also restraining them from constructing the house and transferring the land to anyone. The defendant Nos. 2 to 8 filed written objection against the said application for injunction. After hearing the parties, the Joint District Judge, Court No. 2, Gazipur, by order dated 04.11.2018 rejected the said application, against which the plaintiff filed Miscellaneous Appeal No. 45 of 2018. The Joint District Judge, Court No. 2, Gazipur heard the appeal, and by impugned judgment and order affirmed the judgment and order passed by the trial court, against which the plaintiffs petitioners obtained the Rule.

The learned Advocate Mr. Khair Ezaz Maswood, appearing along with learned Advocate Mr. S.M. Iqbal Bahar Bhuiyan on behalf of the petitioner, having placed the revisional application submits that the petitioner is a bonafide purchaser and he is possessing the suit land, after purchase in 2008 and 2009, and the suit land was also mutated in the name of the plaintiffs, and after mutation, they paid the rent. Therefore, the plaintiff petitioners are entitled to get an order of injunction restraining the defendants from dispossessing the petitioners from the suit land. He further submits that both the courts below failed to consider that the petitioners are the bona fide purchasers of the suit land and possessing the land since 2008 paying

rent and thereby committed an error of law resulting in an error in the decision occasioning failure of justice. He prayed for setting aside the impugned judgments and orders passed by the courts below.

The learned Advocate Mr. Kingshuk Das, appearing on behalf of the opposite party Nos. 1 to 7, submits that the possession of the suit land was handed over to the opposite party Nos. 1 to 7 in execution of the judgment and decree passed in Title Suit No. 66 of 1993 and the opposite party Nos. 1 to 7 are now possessing the land. Therefore, both the courts below legally arrived at a concurrent finding of fact that in execution of the decree passed in Title Suit No. 66 of 1993, the possession was handed over to the opposite party Nos. 1 to 7. He prayed for discharging the Rule.

I have considered the submission of the landed Advocate Mr. Khair Ezaz Maswood who appeared along with the learned Advocate Mr. S.M. Iqbal Bahar Bhuiyan on behalf of the petitioners and the learned Advocate Mr. Kingshuk Das who appeared on behalf of the opposite parties, the application under Order XXXIX Rule 1 of the Code of Civil Procedure, 1908 and the written objection filed by the defendants, the impugned judgment and order passed by the courts below and the records.

On perusal of the application under Order XXXIX Rule 1 of the Code of Civil Procedure, 1908 reveals that the petitioners purchased total 3.10 acres of land by Deed No. 10209 dated 09.09.2008, Deed No. 1557 dated 12.02.2009, Deed No. 2755 dated 11.03.2008 and Deed No. 8540 dated 29.7.2009 and after purchase, the plaintiffs mutated their names and paid the rent and took the possession of the suit land.

It further reveals that both the parties claimed possession and counter-possession of the suit land. At the time of issuance of the Rule, by order dated 04.04.2022, this court passed an ad-interim order

directing the parties to maintain status quo in respect of the possession and position of the suit land for a period of six months, which was subsequently extended from time to time. Since the suit filed by the plaintiff petitioners is pending, I am of the view that ends of justice would be best served if the parties are directed to maintain status quo in respect of possession and position of the suit land till disposal of the suit.

In view of the above observation and direction, the Rule is disposed of.

The parties are directed to maintain status quo in respect of possession and position of the suit land till disposal of the suit.